

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LASSANA MAGASSA,

Plaintiff,

v.

CHAD F. WOLF, *in his Official Capacity as  
Acting Secretary of the Department of  
Homeland Security, et al.*,

Defendants.

CASE NO. 2:19-cv-02036-RSM

STIPULATED MOTION TO STAY  
DEFENDANTS' FRCP 12(a)(4)(A)  
DEADLINE AND TO SET A  
SCHEDULE FOR FURTHER  
PROCEEDINGS AND ORDER

**Noted for Consideration:  
September 23, 2020**

COMES NOW Defendants Chad F. Wolf, David Pekoske, Mark Morgan, William Barr, Christopher Wray, and Charles Kable, all in their official capacities ("Defendants"), through their counsel Antonia Konkoly, Trial Attorney, U.S. Department of Justice, and Plaintiff Lassana Magassa, through his counsel Christina Jump, in this stipulated motion to stay Defendants' pending deadline under Federal Rule of Civil Procedure 12(a)(4)(A) to answer Plaintiff's Complaint by September 30, 2020, and to set a schedule for further proceedings in this matter.

The grounds for this motion are as follows:

1. Plaintiff initiated the instant action on December 12, 2019. Dkt. No. 1. As pled in his original (and operative) Complaint, Plaintiff's claims generally relate to (1) the prior

1 revocation of an airport badge which he required to hold a job in a secure area of the Seattle-  
2 Tacoma Airport; (2) the procedural sufficiency of the administrative redress procedures he was  
3 afforded (before the re-issuance of his airport badge) to appeal this revocation; and (3) his  
4 allegations that he has encountered certain travel-related difficulties as a result of an alleged  
5 placement on the Terrorist Screening Database (“TSDB”). *See generally id.*

7 2. Defendants moved to dismiss Plaintiff’s claims in their entirety (“Defendants’  
8 Motion”). Following the completion of briefing, on September 16, 2020, the Court granted in  
9 part and denied in part Defendants’ Motion, and ordered Plaintiff to file an Amended Complaint  
10 “curing the ... deficiencies” identified in the Court’s decision within 30 days, *i.e.*, by October 16,  
11 2020. Dkt. No. 36.

13 3. By default operation of Federal Rule of Civil Procedure 12(a)(4)(A), Defendants  
14 are presently required to file an Answer to Plaintiff’s Complaint on or before September 30,  
15 2020.

17 4. Plaintiff intends to avail himself of the opportunity afforded by the Court to  
18 amend his claims, and Defendants anticipate that they will respond to Plaintiff’s Amended  
19 Complaint by filing a renewed motion to dismiss.

21 5. The parties have conferred, and concur that in these circumstances, it would not  
22 further the litigation for Defendants to file an Answer to Plaintiff’s original, and soon to be  
23 superseded, Complaint. The parties have additionally conferred regarding a mutually agreeable  
24 schedule for further proceedings, which accounts for the other professional obligations of all  
25 counsel. To that end, and to facilitate the efficient progress of this litigation, the parties jointly  
26 stipulate to the below-proposed schedule:  
27  
28

- Plaintiff will file an Amended Complaint on or before October 16, 2020;
- Defendants will file their anticipated renewed Motion to Dismiss on or before November 16, 2020;
- Plaintiff will oppose Defendants' anticipated renewed Motion to Dismiss on or before December 7, 2020; and
- Defendants will file their Reply in further support of their anticipated renewed Motion to Dismiss on or before December 21, 2020.

6. The parties respectfully submit that the stipulated relief and above-proposed schedule for further proceedings are supported by good cause and in the interest of judicial economy, in that the parties' proposal will facilitate the efficient progress of this litigation.

DATED this 23rd day of September, 2020.

Respectfully submitted,

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Acting Assistant Attorney General

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Deputy Branch Director

BRIGHAM J. BOWEN  
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/s/ Antonia Konkoly  
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**/s/ Christina A. Jump**

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*Counsel for the Plaintiff*

**ORDER**

Pursuant to the parties' motion, and the parties having stipulated and agreed, and the Court finding good cause, it is hereby **ORDERED** that:

- Defendants' pending deadline under Federal Rule of Civil Procedure 12(a)(4)(A) to answer to Plaintiff's Complaint is stayed;
- Plaintiff shall file an Amended Complaint on or before October 16, 2020;
- Defendants shall file their anticipated renewed Motion to Dismiss on or before November 16, 2020;
- Plaintiff shall file his Opposition to Defendants' anticipated renewed Motion to Dismiss on or before December 7, 2020; and
- Defendants shall file their Reply in further support of their anticipated renewed Motion to Dismiss on or before December 21, 2020.

Dated this 24<sup>th</sup> day of September, 2020.



RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE